

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Stacy Lawton Guin, individually and as
representative of all others similarly situated,

Civil No. 05-668 (RHK/JSM)

Plaintiff,

ORDER

vs.

Brazos Higher Education Service Corporation,
Inc.,

Defendant.

Having reviewed the several memoranda filed in relation to Plaintiff's Motion for Class Certification and Defendant's Motion for Summary Judgment, the Court has concluded that the pending motions should be heard separately, that the Summary Judgment Motion should be heard first, and that the Class Certification Motion should be heard only if the Summary Judgment Motion is denied. In addition, the Court has a conflict with the previously noticed December 19th hearing date.

Accordingly, **IT IS ORDERED:**

1. Defendant's Motion for Summary Judgment will be heard on a date in December to be agreed to by counsel,¹ and in the absence of an agreement, on a date to be established by the Court;

2. Plaintiff's Motion for Class Certification will be heard on a date to be set by the

¹Available dates for the Court include December 22, 23, 27 and 28; counsel should contact Ms. Siebrecht (651-848-1166) regarding the scheduling of this Motion.

Court following the ruling on the Summary Judgment Motion; and

3. The December 19, 2005 hearing is **CANCELED**.

Dated: December 12, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge